

REMARKS/ARGUMENTS

I. Status of Claims

Prior to this Amendment, claims 1-16 were pending with claim 1 being independent. By this Amendment, claims 1-16 have been amended, and new claim 17 has been added.

II. Rejections under 35 U.S.C. §112, second paragraph

Claims 2, 5-12 and 14 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2, 5-12 and 14 have been amended to address all of the Examiner-raised issues relating to 35 U.S.C. §112, second paragraph, as reflected in the "AMENDMENTS TO THE CLAIMS" section of this Amendment. Accordingly, the Examiner is kindly requested to withdraw the rejection.

III. Rejections under 35 U.S.C. §103(a)

Claim 1-3 and 5-6

Claims 1-3 and 5-6 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Pirskanen et al. (U.S. Pub. No. 2004-0157640 A1 – hereinafter Pirskanen). Applicants respectfully traverse this rejection.

Claim 1 recites, *inter alia*, receiving a response message in response to said uplink signaling. In particular, according to claim 1, said uplink signaling refers to an uplink signaling initiated by the UE earlier according to information received over the MBMS control channel as well as whether the UE moves into a new cell.

The Examiner cites step 8 (in Fig. 2 of Pirskanen) and paragraph [0057] of Pirskanen as teaching or suggesting receiving a response message. According to

paragraph [0057] of Pirskanen, step 8 merely discloses that the RNC 204 sends an MBMS Notification “Counting Stopped” message 220 to the UE 200, as part of a UE counting process. However, the MBMS Notification “Counting Stopped” message 220 is disclosed as a pre-defined *broadcast message broadcast to the general public of UEs* participating the MBMS service (see paragraph [0018] of Pirskanen), and thus clearly is not *a response message received in response to* an uplink signaling initiated by the UE 200. Accordingly, contrary to the Examiner’s assessment, Pirskanen does not disclose, teach, or suggest receiving *a response message in response to* said uplink signaling, as recited in claim 1.

From another perspective, when taking a close look at Pirskanen, it is not surprising that Pirskanen does not teach or suggest receiving *a response message in response to* said uplink signaling, as recited in claim 1. According to Pirskanen, during the earlier RRC-establishing process, Pirskanen’s scheme introduces an additional NAS signaling (see paragraph [0047]) and an additional equivalent NAS message (see paragraphs [0049]-[0051]), both of which are introduced to serve Pirskanen’s validating objective (see paragraphs [0017]-[0019]), an objective which is unrelated to the claimed invention. However, during the later UE counting process, no additional signaling, such as *a response message in response to an uplink signaling* initiated by the UE according to information received over the MBMS control channel, is introduced by Pirskanen’s scheme. This is clearly evidenced in Pirskanen upon comparing steps 6, 7 and 8 of Fig. 2 to steps 106, 108 and 110 of Fig. 1 and noting that steps 6, 7 and 8, in fact, match steps 106, 108 and 110. Hence, with respect to signaling associated with a UE counting process, Pirskanen does not teach or suggest anything that departs from the conventional art, and thus, at best, merely teaches broadcasting pre-defined control messages for the UE counting, but fails to teach or suggest sending or receiving *a response message in response to* an uplink signal initiated by the UE. Accordingly, it is of no surprise that Pirskanen does not disclose, teach, or suggest receiving *a response message in response to* said uplink signaling, as recited in claim 1.

Accordingly, since Pirskanen does not disclose, teach, or suggest receiving *a response message in response to* said uplink signaling, as recited in claim 1, claim 1 is allowable over Pirskanen. The rejection of claim 1 should therefore be withdrawn.

The rejection of claims 2-3 and 5-6 should be withdrawn at least by virtue of their dependency from allowable claim 1.

Claim 4 and 7-16

Claims 4 and 9 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Pirskanen, in view of Ho (U.S. Pub. No. 2003-0236085 A1 – hereinafter Ho). Claims 7 and 8 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Pirskanen, in view of Ho, and further in view of Park et al. (U.S. Patent No. 6,782,274 – hereinafter Park). Claims 10 and 12 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Pirskanen, in view of Marjelund et al. (U.S. Patent No. 7,433,334 – hereinafter Marjelund). Claim 11 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Pirskanen, in view of Koulakiotis et al. (U.S. Patent No. 7,031,694 – hereinafter Koulakiotis), and further in view of Marjelund. Claim 13 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Pirskanen, in view of Koo et al. (U.S. Pub. No. 2002-0110106 – hereinafter Koo), and further in view of Wallentin et al. (U.S. Pub. No. 2003-0003895 – hereinafter Wallentin). Claims 14 and 15 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Pirskanen, in view of Koulakiotis, and further in view of Marjelund, and further in view of Van Lieshout et al. (U.S. Patent No. 6,850,759 – hereinafter Lieshout). Claim 16 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Pirskanen, in view of Terry (U.S. Pub. No. 2004-0266447 – hereinafter Terry), and further in view of Van Lieshout.


The rejection of claims 4 and 7-16 should be withdrawn at least by virtue of their dependency from claim 1 and the fact that the cited secondary references do not cure the above-noted deficiencies of Pirskanen.

IV. Conclusion

In view of the above, it is believed that this application is in condition for allowance and notice to this effect is respectfully requested. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Should any/additional fees be required, the Director is hereby authorized to charge the fees to Deposit Account No. 18-2220.

Respectfully submitted,



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